

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,) 8:22CR71
)
vs.)
)
ROBERT L. CARODINE and) ORDER
JAMES T. SMITH,)
)
Defendants.)

This matter is before the Court on the defendant, James T. Smith's unopposed Motion to Continue Trial [129]. A telephone conference was held with counsel for the parties before the undersigned magistrate judge. As discussed during the conference, defendant Smith filed his Motion to Sever [125] past the pretrial motion deadline and without leave of court. Nonetheless, neither the government or co-defendant, James T. Smith object to an extension of the deadline or the necessary continuance of the trial. The Court finds good cause for the extension and continuance. Accordingly,

IT IS ORDERED:

1. The oral motion for extension of the pretrial motion is granted and defendant, James T. Smith's is given leave to file his Motion to Sever [125]. The government shall respond to the motion as previously ordered.
2. The jury trial, **for both defendants**, now set for January 22, 2024, is continued pending further order of the Court.
3. In accordance with 18 U.S.C. § 3161(h)(7)(A), the Court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendants in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **today's date and the rescheduling of the trial**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. Failure to grant a continuance would result in a miscarriage of justice, or would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(6), (7)(A) & (B)(i), (iv).

DATED: January 2, 2024.

BY THE COURT:

s/ Michael D. Nelson
United States Magistrate Judge